

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:19-cr-00010

District Judge William L. Campbell, Jr.

GILBERT R. GHEARING,

Defendant.

MOTION FOR EXTENSION OF TIME TO FILE A MOTION FOR A NEW TRIAL

COMES NOW, Defendant, Gilbert Ghearing, M.D. ("Dr. Ghearing"), by and through his undersigned counsel, Ronald W. Chapman II, and Meggan B. Sullivan, hereby files this Motion For Extension of Time to File a Motion for a New Trial. In support thereof, Dr. Ghearing states as follows:

1. Dr. Ghearing was charged with Health Care Fraud in violation of 18 U.S.C. § 1347, Distribution of Controlled Substances in violation of 21 U.S.C. § 841(a)(1), schedule II and IV, Obstruction of the Due Administration of Justice in violation of 18 U.S.C. § 1503, and Destruction, Alteration, or Falsification of Records in Federal Investigations in violation of 18 U.S.C. § 1519 in a Superseding Indictment filed on October 17, 2022.
2. Trial commenced on February 14, 2023, and it lasted six (6) weeks; with the jury returning its verdict on March 28, 2023.
3. The jury verdict found Dr. Ghearing guilty on Counts 1s-6s, 9s-10s, 12s-14s, 17s-33s, 35s, 43s, 45s-46s, 48s, 50s-55s, 57s-59s, 61s-63s, and acquitted Dr. Ghearing on Counts 7s-8s, 11s, 15s-16s, 34s, 36s-42s, 44s, 47s, 49s, 56s, 60s.

4. During trial, significant evidentiary issues arose, including the possibility of an unlawful search in violation of the Fourth Amendment. *See* ECF 249.
5. Given these significant issues, along with the length of trial, where voluminous evidence and testimony was presented, Dr. Ghearing respectfully requests the Court grant him a thirty (30) day extension to file his Motion for a New Trial under Fed R. Crim. P. Rule 33, which is currently due on April 11, 2023. *See* Fed. R. Crim. P. 33(b)(2).
6. Dr. Ghearing believes that the additional time will assist him in meaningfully briefing the issues for the Court's review and analysis of his motion.

Accordingly, Dr. Ghearing respectfully asks this Court to grant his motion and continue the deadline to file his Motion for a New Trial and grant him a thirty (30) day extension so that the Motion is due by May 11, 2023.

Respectfully Submitted,
CHAPMAN LAW GROUP

Dated: April 6, 2023

/s/ Ronald W. Chapman II
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Dated: April 6, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2023, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the parties involved.

/s/ Ronald W. Chapman II

Ronald W. Chapman II, Esq., LL.M.

Michigan Bar No. P73179

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